

Application No.: 10/625,898**Docket No.: 30014456-2 US (1509-427)****Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 5. This sheet, which includes Fig. 5-7, replaces the original sheet including Figs. 5-7. In Figure 5, previously omitted reference numeral 36 has been added.

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The drawing has been amended by insertion of reference numeral 36 on Figure 5, as required by the Office Action. The title has been amended so that it is consistent with the claimed subject matter, as required by the Office Action.

The claims have been reviewed and amended for clarity, including amendments to obviate the rejection based on 35 U.S.C. 112, paragraph 2, to assure infringement of the apparatus claims at the time the goods are sold, and avoid interpretation under 35 U.S.C. 112, paragraph 6. The specification has been amended for clarity and syntax. The abstract has been rewritten to comply with U.S. requirements. Claim 12 requires the LED to have an emission band. An indication is derived of the light energy reflected from the sample in the LED emission band by responding to the electrical output derived by the LED.

Applicant cannot agree that claims 1-11, as submitted, were rendered obvious by Nylund, USP 5,000,569. For example, claim 1, as previously submitted, required the photosensitive devices to be LEDs. Claims 2-5, being dependent on claim 1, distinguished over Nylund for at least the foregoing reason. Independent claim 6 was directed to a color sensor including LEDs arranged to sense light reflected from a sample, a feature also not disclosed by Nylund. Claim 7, being dependent on claim 6, also distinguished over Nylund at least because of the foregoing requirement of claim 6. Claim 8, upon which claim 9 depended, distinguished over Nylund by requiring plural LEDs oriented to receive reflected light from a predetermined sensing location.

Claim 10, upon which claim 11 depended, distinguished over Nylund by requiring at least one LED to be arranged to receive reflected light from a sample so that an electric output of the LED is used to provide an indication of the reflected light energy in the LED emission band.

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Claims 9 and 11, being dependent on claims 8 and 10, were, as submitted, patentable for at least the reasons advanced for claims 8 and 10.

Nylund has no disclosure of LEDs that function as photosensors. In Nylund, the photosensor is stated to be a semiconductor diode that is never identified as an LED. The description of Fig. 5 at col. 6, line 31, says light sensor 84 has a photoelectric detector in the form of a single semiconductor diode photocell 82. Col. 6, line 45, also identifies the photocell of Fig. 6 by reference numeral 96, that is also used for a shaded area in Fig. 6; see col. 6, lines 42 and 50. There is no reference numeral 82 in Fig. 6. Apparently the reference numeral in col. 6, line 31, was supposed to be "86" that refers to a rectangle on light sensor 84. Consequently, one of ordinary skill in the art would realize that the light sensing photocell in Fig. 5 is not LED 82, Figure 4, mentioned in col. 6, lines 11, 17 and 24 and that is described as emitting light, but never described as a light sensor.

Claim 1 now indicates the color sensor has plural LEDs, which are arranged to function as photosensitive devices. A switching arrangement is arranged to respond to an electrical output of each LED separately in response to the LEDs having optical energy incident thereon. Claim 6 indicates the sensor includes LEDs arranged to sense light reflected from a sample and supply, to an output of the sensor, electric signals that are determined by the light incident on the LED. Claim 8 indicates the LEDs are arranged to supply an electric signal to an output of the sensor in response to reflected light from a sensing location being incident on the LEDs. Claim 9 indicates that at least one LED receives reflected light resulting from a sample being illuminated and that at least one LED derives an electric output in response to the LED receiving the reflected light. Clearly, the foregoing arrangements and steps are not disclosed by Nylund.

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In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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